

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

DARRYL BRELAND

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:06CV176LS

**AMERICAN & FOREIGN INSURANCE COMPANY;
ROYAL INDEMNITY COMPANY;
and JOHN DOES 1 THROUGH 3**

DEFENDANTS

ORDER

This matter came before the court on the Defendants' submission for *in camera* review of documents withheld from discovery on a claim of attorney client or work product privilege. The court has reviewed the documents and determines that only three documents fall within the scope of discovery. The first is a letter dated January 26, 2006, that is marked "RBISF 0128" and which was sent to counsel for Robin McGraw, thereby, in the court's opinion, waiving any claim of privilege. The second letter, which was dated November 19, 2004, and which is marked "RBISF 0152," discusses both coverage issues and the duty to defend. In the court's opinion, the Defendants should have an opportunity to redact the discussion of coverage issues from the letter and produce the remaining text. Finally, a letter dated May 5, 2005, and marked "RBISF 0170," appears to have been produced in part, with page three omitted. However, it appears that the first continued paragraph and the first full paragraph on page three fall within the scope of permissible discovery and should also be produced.

IT IS, THEREFORE, ORDERED, that the documents described above fall within the scope of discovery and should be produced to the Plaintiff. In order to give the Defendants ample time to seek review of this decision, should they so choose, these documents should be produced on or before December 18, 2006.

IT IS SO ORDERED, this the 29th day of November, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE